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FILED
HARRISBURG
MAY 18 2001
MARY E. D'ANDREA, CLERK
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants

Civil Action No. 1:CV-00-2125

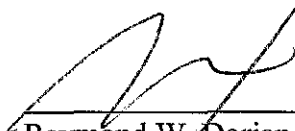
(Judge Caldwell)

**DEFENDANT IMSCHWEILER'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant Imschweiler, by and through his attorney, Raymond W. Dorian, Assistant Counsel for the Pennsylvania Department of Corrections, hereby moves this Court, pursuant to Fed.R.Civ.P. 12(b)(6), to dismiss the Plaintiff's complaint against them for failure to state a claim upon which relief may be granted and for such other grounds as set forth in the supporting brief.

WHEREFORE, Defendant Imschweiler respectfully requests that the Plaintiff's complaint be dismissed with prejudice.

Respectfully submitted,



Raymond W. Dorian
Assistant Counsel
Attorney I.D. No. 48148

PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: May 18, 2001

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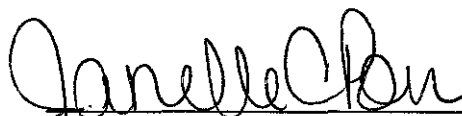
(Judge Caldwell)

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendant Imschweiler's Motion to Dismiss upon the person(s) and in the manner indicated below.

Service by first-class mail
addressed as follows:

John Cleary, DF-5779
SCI-Pittsburgh
P.O. Box 99901
Pittsburgh, PA 15233



Janelle C. Porr
Clerk Typist 2

PA Department of Corrections
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55 Utley Drive
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